



MEMO ENDORSED

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JOHN SCHEMITSCH
Senior Counsel
Phone: (212) 356-3539
Fax: (212) 356-3509
jschemit@law.nyc.gov

December 9, 2022

VIA ECF

Honorable Katherine P. Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Steven Dominguez v. City of New York, et al., 21-CV-2302 (KPF)

Your Honor:

I am a Senior Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Officer Battista, Officer Lynch, Lt. Patrick Lynch, Det. Patrick Graney, and Det. Evan Nielsen. Defendants write, with consent of plaintiff, to respectfully request an referral to the Magistrate Judge for a settlement conference, and a corresponding stay of discovery until the settlement conference takes place. The parties both believe this would facilitate settlement in this matter.

Defendants are conscious of the fact that the Court has expressed its desire for discovery in this case to be concluded, and do not make this request for a stay lightly. To date, the parties have taken four out of an anticipated eight depositions, and have largely completed paper discovery. While the parties are working to resolve some discovery disputes, we anticipate that some will require Court intervention. Granting the stay would enable the parties to avoid burdening the Court with any possible motion practice. Fact discovery is currently scheduled to close on December 20, 2022. However, in light of the current posture of the case, as well as the costs and time associated with depositions, the parties believe that the case would be best served by discussing settlement at this time. In addition, and should the Court grant this stay and the parties be unable to reach a settlement, defendants have offered to have rescheduled deposition dates within two weeks of the conference in order to limit any delay caused by these discussions. In addition, while defendants will discuss settlement directly with plaintiff, we anticipate that a settlement conference will be the most efficient way to ensure that the parties fully explore settlement before determining that completing discovery is necessary.

Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch

Senior Counsel

cc: **VIA ECF**
Attorneys for Plaintiff

Application GRANTED. Discovery is hereby STAYED pending further order of the Court. A referral order will issue under separate cover.

The pretrial conference scheduled for January 5, 2023 is hereby ADJOURNED *sine die*. If the parties' settlement efforts are unsuccessful, the conference will be rescheduled for a later date.

The Clerk of Court is directed to terminate the motions at docket entries 91 and 92.

Dated: December 9, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE